

**FUNERAL DIRECTORS EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
MARCH 12, 2002**

**PRESENT:** W. Robert Cress, Dan Densow, Bonnie Gift, Roy Pfeffer and Rick Unbehaun,

**EXCUSED:** All members were present.

**STAFF PRESENT:** Clete Hansen and Jacquelynn Rothstein, Legal Counsel. Division of Enforcement staff were present for portions of the meeting.

**GUESTS:** Erin Longmire, FSA  
Mark Paget, WFDA  
Barbara Schuler, WVTAE

**CALL TO ORDER**

The meeting was called to order at 9:34 a. m. by Roy Pfeffer, Chair. A quorum of 5 members was present.

**AGENDA**

**MOTION:** Dan Densow moved, seconded by Bonnie Gift, to approve the agenda, as written. Motion carried unanimously.

**MINUTES (1/15/02)**

**MOTION:** Dan Densow moved, seconded by Rick Unbehaun, to change a sentence in the middle of page 3, so that the sentence would read: "This proposal would not prohibit direct cremation." Motion carried unanimously.

**MOTION:** Bonnie Gift moved, seconded by Robert Cress, to approve the minutes, as amended. Motion carried unanimously.

**COPYING DEATH CERTIFICATES**

Peggy Peterson and Michelle Pink, representatives of the Wisconsin Department of Health and Family Services, appeared before the Board to discuss the legality of copying death certificates and the possibility of making a few changes to the Board's Cremation Legislative Proposal.

Ms. Peterson distributed three documents:

1. Chapter 69, Wis. Stats.
2. Chapter HFS 135, Wis. Admin. Code
3. A Listing of Coroners/MES 2001 Bureau of Health Information

Ms. Peterson said that the death certificate is not the best instrument for certifying the time of death, the date of death and whether the person died of a communicable disease.

Ms. Peterson discussed three other documents that should be considered for this purpose:

1. **Notice of Removal** (a funeral director may make copies of this document)
2. **Report for Final Disposition** (this document is filled out by the funeral director; it is filed with the sexton; it gives the time and date of death; and it has a space for the cause of death. This space is primarily used for transit of the body out-of-state. This document must be filed with the Register of Deeds within 24 hours after death. For in-state disposition, this line is usually left blank. This document can be re-designed by DHFS, if necessary)
3. **Release to Cremate** (this document is signed by the coroner. Chapter HFS 135, Wis. Admin. Code, provides a model form)

Ms. Peterson said that the Release to Cremate form may be the best form to replace the provision in the cremation proposed draft that calls for a copy of the death certificate. She said that the Department of Health and Family Services could, pursuant to Chapter HFS 135, prescribe the minimum language needed in the form. She said that DHFS could have space on the form to ask about communicable disease and internal devices.

Ms. Peterson said she could revise the form within the next few months. She will have a model by May 14. She will come to the Board meeting on that date. She can run the form by the coroners in June. Peggy said she will change this form and the Report For Final Disposition. The Board agreed to remove line 13 on page 9 of the proposal. That line says: "A copy of the death certificate for the decedent."

Ms. Peterson agreed with the Board concerning the fact that her earlier concerns about direct cremation are moot.

Ms. Peterson also discussed a letter that T. Scott Gilligan had sent to Mark Paget on January 11, 2002, relating to the faxing of death certificates. Ms. Peterson said that faxing death certificates is illegal. Certified copies of death certificates must have a raised seal. She said that faxing is simply "remote photocopying." Several Board members confirmed the possible fraudulent uses of faxed death certificates.

Ms. Peterson said that the State Vital Records Office understands that a funeral director may want to keep a copy of a death certificate prior to filing to prove that a record was initiated. However, she emphasized that the funeral home staff must all be told that under no circumstances can a copy of that "Administrative Use Only" copy be given to anyone, including a member of the decedent's family, the VA, a bank, etc. She said that the only exception that is granted is for a copy to be given to a coroner or medical examiner for cremation release purposes.

## **ADMINISTRATIVE REPORT**

### **Bureau Director's Report**

- **Board Roster**

Noted

- **2002 Meeting Dates**

Noted

- **Summary Report on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **To-Do List**

Noted

- **To-Pass Folder**

The To-Pass Folder was circulated and duly noted.

## **LEGISLATIVE UPDATE**

### **Regulation of Crematories**

Erin Longmire informed the Board that Senator Chvala has agreed to include this proposal in the Budget Repair Bill. The Board, therefore, reviewed the 14 questions that LRB Attorney, Peter Grant, included with his draft of February 28, 2002. The Board authorized Ms. Longmire to convey the Board's responses to Peter Grant, so that Mr. Grant can have a draft ready for a meeting at 2 p.m. on March 13, 2002, between Senator Chvala and Patrick Essie.

The Board's responses to the fourteen questions are as follows:

1. Delete Sub. (5) and the provision in Chapter 157.
2. This is okay.
3. This is okay. Note lines 7-20 on page 14 of the draft.
4. Yes.
5. The drafter's question should refer to paragraph (a) of sub. (3). This is okay.
6. Yes, it should be inserted in each section.
7. This is okay, as is.
8. This is okay.
9. The Board had intended that the decedent's estate could be liable, along with or separate from the authorizing agent.
10. This is okay.
11. This is okay.
12. No change is needed.
13. This is okay.
14. Include language for the creation of a committee.

15. Delete line 13, page 9, relating to a copy of the death certificate.

**MOTION:** Rick Unbehaun moved, seconded by Dan Densow, to approve the responses listed above and to authorize the conveying of these responses to LRB Attorney, Peter Grant. Motion carried unanimously.

### **SB 171 & AB 376**

AB 376 passed the Assembly; however, time is running out in the Senate.

### **SB 399**

Mark Paget reported that the Wisconsin Funeral Directors Association had this bill drafted; however, the bill is now a dead issue.

### **AB 849/850**

Noted

## **EXAMINATION ISSUES**

Casey Brown provided information to the Board regarding the NBE Exam in a memo, dated March 12, 2002. He discussed his memo and the attachments to the memo with the Board. The Board requested that Mr. Brown start compiling information about the performance of Wisconsin candidates on the exam. Brown said he would try to obtain that information.

## **BOARD MEMBER ACTIVITY**

Rick Unbehaun said that he is scheduled to attend the 98<sup>th</sup> Annual ICFSEB Convention on April 6-7, 2002.

## **REMOVALS BY UNLICENSED PERSONS**

The Board reviewed a legal opinion, prepared by Jacquelynn Rothstein, dated February 28, 2002. Some Board members expressed concern about the conclusions reached by Legal Counsel. Several Board members stated that their understanding is that transporting a body before preparation requires a license; transporting a body after preparation, such as between funeral homes, does not require a license. Roy Pfeffer said that he will confer with the Department's General Counsel about this issue.

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to table this issue until a future meeting. Motion carried unanimously.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

The Board briefly discussed a variety of newspaper articles and other items, relating to the regulation of crematoriums, winter burials, Evergreen Cemetery, the funeral industry, the Loewen Group, and statistics regarding activities of the Department.

#### **NEW BUSINESS**

None

#### **PUBLIC COMMENTS**

None, over and above those already made during the discussion of specific topics.

#### **RECESS TO CLOSED SESSION**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), (f), and (g), Wis. Stats., to review the Case Status Report with representatives of the Division of Enforcement. Motion carried unanimously by a roll call vote: Bonnie Gift - yes; Bob Cress - yes; Rick Unbehaun - yes; Dan Densow - yes; Roy Pfeffer - yes.

Open Session recessed at 2:06 p. m. and Closed Session convened at that time.

#### **CLOSED SESSION**

The Board discussed the Case Status Report with DOE.

#### **RECONVENE IN OPEN SESSION**

**MOTION:** Rick Unbehaun moved, seconded by Dan Densow, to reconvene in Open Session at 2:25 p. m. Motion carried unanimously.

#### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

No actions were taken.

#### **ADJOURNMENT**

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to adjourn the meeting at 2:26 p. m. Motion carried unanimously.